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MONROE & ZINDER, P.C.
MATTHEW W. MONROE, ESQ., CSB #147812
JILL ANNE HILLMAN, ESQ., HIB #8283
5933 West Century Boulevard, Suite 800
Los Angeles, California 90045
Telephone: (310) 670-1381
Facsimile: (310) 670-2148

LAW OFFICES OF ROY Y. YEMPUKU
ROY Y. YEMPUKU, ESQ., HIB #1228
2930 Mauka Tower
The Pacific Guardian Center
737 Bishop Street
Honolulu, Hawaii 96813
Telephone: (808) 524-0200
Facsimile: (808) 524-0209

Attorneys for Petitioner-Counterclaimants
LAHAINA PARASAIL, INC.

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 20 2006
at 6 o'clock and 19 min. PM
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

In the Matter

of

The Complaint of PETITIONER
LAHAINA PARASAIL, INC., a
Hawaii corporation, regarding Motor
Vessel RED NORDIC, Official
Number HA 1056 CP for exoneration
from or limitation of liability,

Petitioner-Counterclaimant.

) CIVIL NO. 04-00740 DAE/LEK
) **IN ADMIRALTY**
)
) PETITIONER-COUNTERCLAIMANT
) LAHAINA PARASAIL, INC.'S
) OBJECTIONS TO CLAIMANTS
) CASEY HUDSON AND SONIA
) HUDSON'S CLAIM FILED ON
) NOVEMBER 7, 2005;
) COUNTERCLAIM AGAINST
) CLAIMANTS-COUNTERCLAIM
) DEFENDANTS CASEY HUDSON
) AND SONIA HUDSON AND
) COUNTERCLAIM-DEFENDANT
)

SCANNED

) PAUL E. LEE; SUMMONS
)
) Trial Date: August 22, 2006
)

**PETITIONER-COUNTERCLAIMANT LAHAINA PARASAIL, INC.'S
OBJECTIONS TO CLAIMANTS CASEY HUDSON AND SONIA
HUDSON'S CLAIM FILED ON NOVEMBER 7, 2005**

Comes now Petitioner-Counterclaimant Lahaina Parasail (hereinafter
"Petitioner") and hereby controverts and objects to Claimant Casey Hudson and
Sonia Hudson's Claim filed herein on November 7, 2005 as follows:

1. Petitioner is without knowledge as to the allegations contained in
paragraphs 1 and 2.
2. Petitioner denies the allegations contained in paragraphs 3, 4, 5 and 6.


Affirmative Defenses:

3. Petitioner is entitled to exoneration from or limitation of liability.
4. Claimants claims are barred by release, waiver and estoppel.
5. Petitioner intends to rely upon the defense of act of God.
6. Petitioner intends to rely upon the defense of statute of limitations.

WHEREFORE, Petitioner-Counterclaimant Lahaina Parasail, Inc. prays for
judgment against Claimants-Counterclaim Defendants Casey Hudson and Sonia
Hudson as follows:

1. Claimants-Counterclaim Defendants Casey Hudson and Sonia Hudson's claims be dismissed with prejudice.
2. Petitioner be awarded its attorneys' fees and cost.
3. For such legal and equitable relief which the court deems just in the premises.

DATED: Honolulu, Hawaii January 20, 2006.


ROY Y. YEMPUKU
MATTHEW W. MONROE
JILL ANNE HILLMAN
Attorneys for Petitioner- Counterclaimants
LAHAINA PARASAIL, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

In the Matter)	CIVIL NO. 04-00740 DAE/LEK
)	
of)	IN ADMIRALTY
)	
The Complaint of PETITIONER)	COUNTERCLAIM AGAINST
LAHAINA PARASAIL, INC., a)	CLAIMANTS-COUNTERCLAIM
Hawaii corporation, regarding Motor)	DEFENDANTS CASEY HUDSON,
Vessel RED NORDIC, Official)	SONIA HUDSON AND
Number HA 1056 CP for exoneration)	COUNTERCLAIM DEFENDANT
from or limitation of liability,)	PAUL E. LEE
)	
Petitioner-Counterclaimant.)	
)	
)	
)	
)	

**COUNTERCLAIM AGAINST CLAIMANTS-COUNTERCLAIM
DEFENDANTS CASEY HUDSON, SONIA HUDSON AND
COUNTERCLAIM DEFENDANT PAUL E. LEE**

Comes now Petitioner-Counterclaimant Lahaina Parasail, Inc. and for counterclaim against Claimants-Counterclaim Defendants Casey Hudson and Sonia Hudson and Counterclaim Defendant Paul E. Lee alleges as follows:

1. On December 20, 2004, Petitioner, Lahaina Parasail, Inc. filed a Complaint for Exoneration from Or Limitation of Liability ("Complaint") in the United States District Court for the District of Hawaii as a result of a parasail

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accident, which occurred on July 26, 2004. Said accident involved Casey Hudson and Sonia Hudson ("the Hudsons").

2. At all times relevant times herein, the Hudsons were represented by Mr. Paul E. Lee, Esq., an attorney licensed to practice before the federal and state courts in the State of California only.

3. On March 14, 2005, Mr. Paul E. Lee of AA Accident Attorneys, P.L.C., filed Petitioner (Sic) Sonia Hudson and Casey Hudson's Answer to Complaint For Exoneration From Or Limitation of Liability ("Answer") with the Office of the United States District Court Clerk for the United States District Court for the District of Hawaii, on behalf of the Hudsons herein. Said Answer was signed by Mr. Lee on March 11, 2005.

4. At the time Mr. Paul E. Lee filed the Hudsons' Answer, he was not licensed to practice law in the State of Hawaii and was not authorized to practice before the United States District Court for the District of Hawaii and had not filed an application to appear in this case pro hac vice.

5. Mr. Lee intentionally filed the Answer, knowing that he was not admitted to practice before the United States District Court for the District of Hawai'i.

6. By filing the Answer, Mr. Lee committed the unauthorized practice of

law in violation of rules LR83.2, LR83.4 (e), and LR83.5 of the Local Rules of Practice of the U.S.D.C. for the District of Hawaii.

7. On August 1, 2005 Mr. Lee was found is guilty of civil contempt of this Court pursuant to LR83.4 (e) and LR83.5 because he intentionally engaged in the unauthorized practice of law.

8. Mr. Lee's aforestated contemptuous conduct was negligent and/or intentional.

9. At the time he filed the Answer referred to in paragraph 3 hereinabove, Mr. Lee was acting within the course and scope of his agency and on behalf of the Hudsons.

10. As a proximate result of Mr. Lee's negligent and/or intentional misconduct, Petitioner's sustained damages in an amount to be proved at the time of trial.

11. Petitioner is entitled to equitable relief and damages, and attorney's fees and costs on the grounds of restitution, bad faith, violation of the Local Rules, Rule 11 F.R.C.P., and the Hawai'i Rules of Professional Conduct.

12. Claimants-Counterclaim Defendants Casey Hudson, Sonia Hudson and Paul E. Lee are jointly and severally liable for the damages sustained by Petitioner as a result of the misconduct of their agent Counterclaim Defendant Paul

E. Lee.

WHEREFORE, Petitioner prays for judgment against Claimant-Counterclaim Defendants Casey Hudson and Sonia Hudson and Counterclaim-Defendant Paul E. Lee, jointly and severally as follows:

1. For such damages in an amount to be proved at the time of trial.
2. For prejudgment interest.
3. For reasonable attorneys fees and costs.
4. For such legal and equitable relief which the court deems just in the premises.

DATED: Honolulu, Hawaii, January 20, 2006.



ROY Y. YEMPUKU
MATTHEW W. MONROE
JILL ANNE HILLMAN
Attorneys for Petitioner- Counterclaimants
LAHAINA PARASAIL, INC.

In the Matter of the Complaint of Lahaina Parasail, Inc.; Civil No. CV04 00740 DAE LEK
Petitioner-Counterclaimant Lahaina Parasail, Inc.'s Objections to Claimants Casey Hudson and Sonia Hudson's Claim Filed on November 7, 2005 and Counterclaim Against Claimants-Counterclaim Defendants Casey Hudson and Sonia Hudson and Counterclaim-Defendant Paul E. Lee; Summons

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

In the Matter)	CIVIL NO. 04-00740 DAE/LEK
)	
of)	IN ADMIRALTY
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The Complaint of PETITIONER)	
LAHAINA PARASAIL, INC., a)	SUMMONS
Hawaii corporation, regarding Motor)	
Vessel RED NORDIC, Official)	
Number HA 1056 CP for exoneration)	
from or limitation of liability,)	
)	
Petitioner-Counterclaimant.)	
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SUMMONS

TO: Paul E. Lee, Esq.
Accident Attorneys, P.L.C.
4700 Teller Avenue, Second Floor
Newport Beach, CA 92660

YOU ARE HEREBY SUMMONED and required to serve on
PETITIONER COUNTER-CLAIMANT LAHAINA PARASAIL, INC.'S

ATTORNEYS:

MATTHEW W. MONROE, ESQ.
ROY Y. YEMPUKU, ESQ.
JILL ANNE HILLMAN, ESQ.

SCANNED

The Law Offices of Roy Y. Yempuku, ALC
The Pacific Guardian Center
Suite 2930, Mauka Tower
737 Bishop Street
Honolulu, Hawaii 96813

an answer to the *Counterclaim* which is served on you with this summons, within 20 days after service of summons on you, exclusive of the day of service. If you fail to do so, judgment will be taken against you for the relief demanded in the *Counterclaim* ~~complaint~~. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

DATED: Honolulu, Hawaii JAN 20 2006, 2006.

SUE BEITIA

CLERK OF THE ABOVE-ENTITLED COURT



Deputy Clerk, United States
District Court, District of Hawaii

In the Matter of the Complaint of Lahaina Parasail, Inc.; Civil No. CV04 00740 DAE LEK
Petitioner-Counterclaimant Lahaina Parasail, Inc.'s Objections to Claimants Casey Hudson and Sonia Hudson's Claim Filed on November 7, 2005 and Counterclaim Against Claimants-Counterclaim Defendants Casey Hudson and Sonia Hudson and Counterclaim-Defendant Paul E. Lee; Summons